

Subject Public Interest Determination
Section [Commissioner's Policies – Utilities](#)
Office Department of Transportation
Date Last Reviewed 12/12/2011

Subject No. 3E-1
Division State Transportation Board
Contact (404) 631-1000
References

Details

Introduction

Code Section 32-6-170 of the Official Code of Georgia Annotated, states that the Department is authorized to pay or participate in the costs associated with the removal, relocation, or adjustment of utility facilities necessary to accommodate the construction or maintenance of a public road by the Department. This applies to any utility facility that is publicly, privately, or cooperatively owned without regard to whether such facilities were originally installed upon rights of way of the State Highway system, a county road system, or a municipal street system. However, such payment is limited to those instances where the Department has made the determination that “such payments are in the best interest of the public and necessary in order to expedite the staging of the project” and “the costs of the removal, relocation, or adjustment of such facilities are included as part of the contract between the Department and the Department’s Contractor for the project”. This policy and its associated procedures are intended for Department sponsored projects. On other sponsored projects, such as Local Government sponsor, the implementation of this policy and procedures as well as any associated utility relocation costs shall be at the discretion of the project sponsor.

In accordance with State and Federal guidelines, only in-kind replacement of utility facilities is eligible for reimbursement. Utility removal, relocation, or adjustment work considered betterment is not eligible for Department participation (see State and Federal Guidelines for Exception).

This Policy is considered the Public Interest Determination Policy and will be used as a final recommendation to the Commissioner for consideration and approval for the Department to participate in the costs of utility relocation, removal, and adjustment work and to put the required utility work into the Department’s construction project as pay items to be performed by the Department’s Contractor.

The Public Interest Determination Policy includes, in its entirety, the Commissioner’s Policy, the Procedure, the Risk Matrix, the Utility Risk Management Plan, and the Utility Risk Management Plan Memorandum.

The Procedure for the Public Interest Determination is Subject No. 6863-12. Review the Procedure thoroughly prior to the Plan Development Process activities of Concept Team Meetings and Preliminary Field Plan Reviews.

Purpose

The purpose of this Policy is to provide a standardized procedure for determining when “it is in the best interest of the public” and “necessary in order to expedite the staging of the project” for the Department to participate in the costs associated with the utility relocation, removal, or adjustment and to include such work in the contract between the Department and the Department’s Contractor for the project.

This Policy is based on the *Federal Highway Administration's Guide to Risk Assessment and Allocation for Highway Construction Management, October 2006* (Available from www.international.fhwa.dot.gov – Publication No. FHWA-PL-06-032). Quoting from the report's preface, "It is hoped that this report will raise awareness within the highway construction management community that risk can be understood and managed. The more strategic goal is that DOT's and contractors, as appropriate, will actually identify, assess, analyze, mitigate, allocate, and monitor risk in a structured and cooperative way of doing business."

The foundation for this Policy is risk identification, risk assessment, and risk allocation. In other words, what are the risks of having a 3rd Party (Utility) perform the necessary removal, relocation, or adjustment work on a particular project? Are the risks great enough and potential impacts severe enough to establish that it is in the "best interest of the public" and "necessary in order to expedite the staging of the project" and to manage (avoid) such risks by paying for the costs of the required utility relocation, removal, and/or adjustment work and incorporating the utility work into the Department's construction project?

The process of risk identification, assessment, allocation, and recommending a Utility Risk Management Plan will be performed by the Concept Team and the Preliminary Field Plan Review Team for each project in question. The goal, or desired outcome, is a thorough review of all identifiable risks, an assessment of all identifiable risks, and, finally, a Utility Risk Management Plan. The Utility Risk Management Plan will have only one of two possible outcomes: Risk Acceptance - the risks are low enough to allow the 3rd Party to perform the required utility removal, relocation, or adjustment, or Risk Avoidance - the risks are high enough and the impacts severe enough that it is "in the best interest of the public" and "necessary in order to expedite the staging of the project" allowing the Department to fund and place the utility removal, relocation, or adjustment work in the project to be performed by the Department's Contractor.

Utility Risk Management Plans from the Concept Team Meetings and the Preliminary Field Plan Reviews are forwarded from the District Utilities Engineer to the State Utilities Engineer. Utility Risk Management Plans with Risk Avoidance are forwarded from the State Utilities Engineer to the Commissioner as Public Interest Determination Recommendations.

Responsibilities

The following Offices are responsible for developing the Public Interest Determination Recommendation for the Commissioner's review and action:

State Utilities Office: The State Utilities Office shall be responsible for the review of the Utility Risk Management Plans recommended from the Concept Team Meeting and the Preliminary Field Plan Review Meeting. For Utility Risk Management Plans that recommend Risk Avoidance, the State Utilities Office shall be responsible for submitting Public Interest Determination Recommendations to the Office of the Chief Engineer and Office of the Commissioner for review and action. Once approved by the Office of the Chief Engineer, the State Utilities Office shall forward the Public Interest Determination Recommendation to the Office of the Commissioner. The State Utilities Office is responsible for disseminating all action by the Office of the Chief Engineer and the Office of the Commissioner to the District Utilities Office and the Project Manager. The State Utilities Office is responsible for maintaining all approved Public Interest Determinations, all denied Public Interest Determination Recommendations, and all Utility Risk Management Plans and Memorandums received from the District Utilities Offices. The State Utilities Office is responsible for disseminating all necessary copies to all affected Department offices.

District Utilities Office: The District Utilities Office shall be responsible for leading the Concept and Preliminary Field Plan Review Teams in identifying, analyzing, and assessing the risks associated with the construction of the project and 3rd Party Utility Work. The District Utilities Office is responsible for finalizing and documenting the Utility Risk Management Plan and the Utility Risk Management Plan Memorandum to be included in the Concept Report and the Preliminary Field Plan Review Report. The District Utilities Office is responsible for forwarding all Utility Risk Management Plans and the Utility Risk Management Plan Memorandums to the State Utilities Office, the Project Manager for inclusion in the Concept Report, and the Office of Engineering Services for inclusion in the Preliminary Field Plan Review Report.

If a Public Interest Determination Recommendation is rejected by the Office of the Chief Engineer or the Office of the Commissioner, the District Utilities Office shall ensure the utility coordination continues and complies with the Plan Development Process and the Utility Accommodation Policy and Standards Manual. If the Office of the Commissioner approves a Public Interest Determination recommendation, the District Utilities Office is responsible for notifying all affected utilities of the Department's decision. The District Utilities Office shall obtain written concurrence from all affected utilities and shall continue utility coordination to ensure any work required by the utility (i.e. engineering) is addressed appropriately. The District Utilities Office shall provide all necessary cost estimates for the utility work within the Scope of the Public Interest Determination to the Project Manager.

Area Engineer: The Area Engineer, or representative, shall assist the District Utilities Office with preparatory work (includes thorough review of this Policy, project construction and utility plans, and project field conditions) leading up to the Concept Team Meeting and the Preliminary Field Plan Review. The Area Engineer, or representative, shall participate in the Concept Team Meetings and in the Preliminary Field Plan Review Meetings and shall assist and participate in risk identification, risk assessment, and recommending the Utility Risk Management Plan.

Office of Design Policy and Support: The Office of Design Policy and Support is responsible for reviewing and approving Concept Reports and should note and verify all Utility Risk Management Plans are defined and documented in the Report. The Office of Design Policy and Support shall be familiar with this policy and ensure its use on applicable projects as per the Public Interest Determination Procedure.

Office of Engineering Services: The Office of Engineering Services shall be responsible for ensuring that the Utility Risk Management Plan and Utility Risk Management Plan Memorandum are included in the final PFPR Report.

Project Manager: Shall be responsible for assisting the District Utilities Office with leading the Concept and Preliminary Field Plan Review Teams in identifying and assessing the risks associated with the construction of the project and 3rd Party Utility Work. The Project Manager is ultimately responsible for ensuring this policy is implemented from beginning to end on all applicable projects. Should a project's Public Interest Determination Recommendation be approved by the Office of the Commissioner, the Project Manager, with assistance from the Design Phase Leader, shall ensure all necessary documents are included into the project's plans and specifications, including the added pay items and quantities and any required special provisions. The Project Manager shall ensure all necessary funding is encumbered to cover the additional work and shall coordinate routinely with the District Utilities Office. If a Public Interest Determination recommendation is approved by the Office of the Commissioner, the Project Manager will initiate Subsurface Utility Engineering for the project and notify the Office of Environmental Services to ensure the Project's Environmental Document covers the construction and placement of utilities in the back

portion of the right-of-way. The Project's Environmental Document shall cover the entire width of right of way to accommodate utilities.

Office of the Chief Engineer: The Chief Engineer is responsible for reviewing and approving, or rejecting, all Public Interest Determination Recommendations from the State Utilities Office. The Chief Engineer will review and provide a written response to the State Utilities Office. Public Interest Determination Recommendations denied by the Chief Engineer shall stand and shall not be forwarded to the Commissioner for consideration. The Chief Engineer has the authority to initiate this Policy for the Final Field Plan Review. If so required at the Final Field Plan Review, the Office of the Chief Engineer will notify the Project Manager, the District Utilities Office, and the State Utilities Office of the needed Policy action.

Office of the Commissioner: Once approved by the Chief Engineer and the final package has been submitted from the State Utilities Office, the Commissioner is responsible for approving or rejecting all Public Interest Determination Recommendations. The Commissioner will notify the State Utilities Office in writing of its determination concerning the Public Interest Determination Recommendation.

Office of Environmental Services: The Office of Environmental Services is responsible for ensuring, when there is a Public Interest Determination recommendation approved by the Office of the Commissioner, the Project's Environment Document shall include and cover the utility relocation construction in the back portion of the right-of-way. Therefore, for a Project with an approved Public Interest Determination, the Environmental Document shall cover the entire width of right-of-way to accommodate utilities.

Effective Date of Policy:

The requirements of this Policy are effective January 1, 2011 and shall apply to all projects (as identified in this Policy) in progress that have not had a Concept Team Meeting or a Preliminary Field Plan Review meeting held, prior to this effective date.

If the effective date of this Policy post-dates a project's approved Concept Report or the project's beginning of the preliminary design phase, utilize this Policy for the first time at the Preliminary Field Plan Review.

If the effective date of this Policy post-dates a project's approved Preliminary Field Plan Review Report or the project's beginning of the final design phase, this Policy may be used at the Final Field Plan Review at the discretion of the Office of the Chief Engineer.

History

written by: State Utilities Office issued: 09/02/2010 Reviewed: 9/9/2010 Revised 9/14/2010 Reviewed: 10/5/2010
Revised: 12/09/2011 Added sponsor language to the Introduction. Reviewed: 12/12/2011